

GALLATIN COUNTY LEGISLATIVE LIAISON

February 23, 2007

Testimony on HB 745

Mr. Chairman, Distinguished Representatives,

On behalf of Gallatin County Commission I want to thank you for the opportunity to address this important legislation.

The provisions of HB 745 came out of a long discussion on how to properly implement Impact Fees in Counties under the new Montana Law. The law was changed through SB 185 during the 2005 Legislative Session. The basic problem Gallatin County encountered was a lack of information on what was being built and where it was being built.

The new Montana Law required two major changes: a) documentation of existing infrastructure, existing deficiencies in infrastructure, and future capital improvement plans, and b) impact fees had to be collected not prior to the issuance of a building permit, or hookup to a water, sewer or septic permit.

The first problem we encountered came when the consultant we hired to prepare the documentation wanted information on where growth had been going, what types of structures were being built, what type of residential and commercial buildings, etc. We had a difficult time providing up to date accurate information specific to construction activity.

The second problem came to light when we tried to figure out how to collect impact fees. Most counties approve subdivisions, but very few issue building permits, it is a function of State Government or Municipal Government. We have the ability to become certified by the State Department of Labor and begin to conduct permits and inspections on all construction but it is not an area where we have wanted to go. The problem is, once a subdivision is approved, we don't know if they built an outhouse or a Hilton. Only by windshield surveys do we currently keep track.

The City County Board of Health does issue septic permits and certify central water and sewer services, but that doesn't catch everything. Additionally we have many private central systems owned by Home Owners Associations or Water and Sewer Districts. However this still doesn't give a consistent level of information to the county to keep track of where construction activity is happening. What we found is that County Government does not have an easy consistent method of collecting information on new structures.

Admittedly, this first came to light as a way to collect impact fees; however the discussion quickly identified an issue needing to be addressed for public safety and sound fiscal planning specifically:

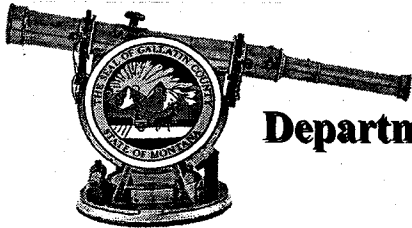
- allow the county to document new construction for the purpose of providing emergency services and for public health and safety planning;
- allow the county to track growth patterns for planning purposes and for capital improvements and infrastructure; and
- allow the county to establish an inventory of development and building lots.

In addressing this matter many believed that counties already have this ability. It is our understanding that nowhere in Montana Code does a county have the ability to require by ordinance a notification of occupancy of a new structure. This brings us to what this bill does. It is a **Notification of Occupancy**. It allows a county to require that a property owner notify the county when they have occupied a new structure. **It is not regulatory, it does not allow us to issue a permit, withhold occupancy, or inspect the structure.** It isn't intended to. The purpose of this legislation is to help collect better information for the purposes of public safety.

We looked at using Electrical Permits issued by the State as a way of keeping track. I have included a spreadsheet of all the permits issued in January of this year in Gallatin County. You can see that the information provided doesn't easily disseminate what type of structure was built. How do we find the square footage? Is it a warehouse or a storefront, a residence or an apartment complex? When the fire trucks roll or the police officers are called will they find the new structure? How many buildings are on the property? Electrical Permits information from the state isn't consistent or sufficient to properly collect information.

The legislation we have proposed here is an interim step intended to help local governments better plan for public safety, without creating a new regulatory ability. Thank you again for the opportunity to address this important issue and we urge a DOPASS on HB 745.

Submitted by Michael Harris
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February 20, 2007

Chairman Scott Mendenhall
State of Montana Legislature
House Bill No. 745

Dear Mr. Chairman:

As the Addressing Authority for Gallatin County, I would like to comment on behalf of Gallatin County and others around the State fraught with similar responsibilities of trying to maintain logical E911 addressing to protect public health, safety and welfare in communities experiencing rapid growth. Specifically I ask for support of **House Bill 745** allowing counties the option of enacting an ordinance that requires Notification of Occupancy for new construction.

Agencies assigning addresses in rural Montana counties, base their addressing on what the developer, builder, realtor, engineer, or other "agent(s)" of the owner tells them at the time an address is requested. Only in a handful of situations do we deal directly with the owner or final resident of the property. In the absence of zoning and building permits, what is originally proposed for construction many times changes by the time of completion. These deviations from the original plan may be years in detecting, if they are even detected at all. The time for detecting these discrepancies should not be at a time of emergency.

Agents of the property owner engaged in the actual construction typically do not reconsider the address if plans change. They are understandably busy with construction and deadlines and don't concern themselves with such matters. The final residents take whatever address their agent relays to them, or posts on their structure, to be factual assuming help will arrive to that number if necessary. Problems we face include:

- Addresses transcribed incorrectly or incorrectly passed on to the final resident
- Multiple units receiving the same address when separate distinguishable numbers are needed
- Addresses assigned off the incorrect road because of a change in landscaping and design

From an addressing perspective, the main purpose of post construction occupancy review is strictly to ensure standardized addressing for future E911 safety. Changing addresses after occupancy can be a financial hardship to residents; however, addresses assigned before occupancy are not contested. This review can be completed with minimal time and expense to counties and agents. By submitting a final site plan, even via fax or email, a final review can take place to determine if all residents are properly addressed based on the original site plan.

I ask that you please allow counties the opportunity to enact an ordinance that provides such oversight. Thank you for your consideration.

Sincerely,

Allen J. Armstrong
GIS Manager
Gallatin County GIS Department

February 21, 2007

Chairman Scott Mendenhall
State of Montana Legislature

House Bill No. 745

Dear Mr. Chairman,

With my responsibilities as Director of 9-1-1 Communications for Gallatin County, sending the appropriate response agency to a request for emergency service is crucial. The measure of success for saving lives is measured in minutes for delivering information to public safety responders in order to send the appropriate fire, medical, or law enforcement.

Knowing where the emergency is unfolding is paramount to successful deployment of resources. Gallatin County does have Computer Aided Dispatch to assist our Public Safety Communications Officers in locating an emergency. However, that information is only as good as the records that exist or are a matter of record at the time of a call.

We have dealt with and continue to deal with addresses that were incorrectly provided to residents by builders, developers or other agents of the owners. Some cases involve one numeric address for locations that most certainly need separate and identifiable numbers.

Standardized addressing is extremely important when ensuring the correct responding agency for 9-1-1 Public Safety service response. As has been said by others with like concerns, it is far easier to rectify discrepancies and correct inconsistencies before occupancy is granted, rather than after the fact.

I respectfully request your consideration in letting counties enact an ordinance that will provide this potentially life saving ability.

Sincerely,

Ben V. Hess
Director 9-1-1
Gallatin County

Permit Number	Closure Date	Owner Name	Address	City	Issue Date	Permit Description
221440	1/25/2007	AMBER BAPTIST	76250 GALLATIN ROAD	GALLATIN GATEWAY	1/2/2007	Commercial, Industrial, or Institutional
221606	1/16/2007	ROCKY MOUNTAIN CONTRACTORS	91 ANDREA DRIVE	BELGRADE	1/8/2007	Commercial, Industrial, or Institutional
221607	1/10/2007	BONNIE LA FRAM BOISE	27901 NORRIS ROAD NO. 27	BOZEMAN	1/8/2007	Modular/Mobile home or RV located in a court
221625	1/10/2007	ALL WEST VET CLINIC	105 ALL WEST TRAIL	BOZEMAN	1/8/2007	Commercial, Industrial, or Institutional
221650	1/29/2007	GALLATIN RIVER RANCH	LAY PASS AND HORSESHOE GULCH	MANHATTAN	1/8/2007	Private property accessory building to 200 amp service
221720	2/14/2007	TONY FROST	1196 HIDDEN VALLEY ROAD	BOZEMAN	1/10/2007	Modular/Mobile home or RV located outside of a court
221737	1/18/2007	TOM PROUDFOOT	3070 BUTTERCUP LANE	BOZEMAN	1/10/2007	Requested inspection
221763	1/16/2007	ARLEE GREEN	WILLOW PARK DR SPANISH MEADOWS SUB	BOZEMAN	1/11/2007	Commercial, Industrial, or Institutional
221831	2/9/2007	ROBERT MARCHINGTON	1550 OLD TOWN ROAD	THREE FORKS	1/16/2007	Modular/Mobile home or RV with basement and/or garage
221865	1/24/2007	TERRY SWARTZ	4110 THORPE ROAD	BELGRADE	1/17/2007	Residential change of service
221914	2/13/2007	MYER GARRITY GROUP	DRAKE PLAZA SUITE 301	BELGRADE	1/17/2007	Commercial, Industrial, or Institutional
221917	1/22/2007	COVERED WAGON	1000 NORTH 17TH AVENUE NO 83	BOZEMAN	1/17/2007	Modular/Mobile home or RV located in a court
221918	2/15/2007	CAROLIN MARTINEZ	6190 SPAULDING BRIDGE	BELGRADE	1/17/2007	Modular/Mobile home or RV located outside of a court
221927	2/14/2007	GOVEIA CONSTRUCTION AND DEVELOPMENT	77 LONE PEAK DRIVE	BIG SKY	1/18/2007	Temporary construction service
222032	1/26/2007	TODD GARDENIER	22 HALEY SPRINGS ROAD	BOZEMAN	1/22/2007	Commercial, Industrial, or Institutional
222095	2/8/2007	TOWN PUMP	500 EAST MAIN	BELGRADE	1/23/2007	Commercial, Industrial, or Institutional
222293	2/1/2007	FOREST PARK	27901 NORRIS RD.	BOZEMAN	1/30/2007	Mobile home courts and /or recreational vehicle parks